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You have not read all the News in this paper until you have read the "Ads."

Latest Copyrighted Digest of Land Decisions

The Following Important Law Points Have Recently been Decided by the Secretary Of the Interior

HOMESTEADS

Intervention by private parties filing contest after the expiration of two years from date of final certificate cannot be allowed under the decision in the case of *Chandler vs Haynes, et al*, (37 L. D. 663).

Where the entryman sells his improvements and accompanies such sale by a relinquishment of the homestead entry, he is barred from the making of another entry, and the Act of February 3, 1911, (35 Stat. 559), providing for allowance of second homestead entries, will not apply to give relief.

Prior to final proof, and upon death of entryman, patent will issue in the name of the heirs, and not in name of devisee named in a will made by the entryman. Citing *Knight vs Heirs* (39 L. D. 362). It is the well settled rule of the Department that residence is established from the moment a settler goes upon the land with the intention, in good faith, of making it his home to the exclusion of one elsewhere, provided such intention is followed diligently and such settlement is followed by actual inhabitancy in good faith. Good faith is the essential foundation of all claims under the Homestead Law. Citing *Gilbert Satang* (37 L. D. 683).

DESERT LANDS

All desert entries in a land district that are suspended, pending an investigation of the desert or non desert character of the land embraced therein, are not subject to contest, (except as to the character of the land), and the entryman is not required to further comply with the law until notified that such order has been revoked, this rule having particular application to improvements.

In desert land cases the burden of proof is upon the entryman to show the character of the land as claimed by him. It is also a rule that lands bordering on streams, lakes, or other bodies of water, are not subject to entry under the desert land law, until the clearest proof of their desert character is furnished. Citing *State of Oregon* (33 L. D. 374).

PRACTICE

The Department will insist on an observance of the rules governing appeal. "Notice of Appeal" as provided by Rule 76, is not by itself sufficient to have a case considered on its merits. "Notice of Appeal" must set forth in clear and concise language the grounds of appeal or the same must appear in "Brief

and Specification of Error," filed with the notice. This may be filed with the Commissioner, or with the Secretary of Interior, if the record should have been transmitted, but the rule itself is mandatory and must be observed.

MINING

As a general rule certificate and patent for a mining claim should issue to the applicant in whose name patent proceedings were initiated and prosecuted; and in case of his death, certificate and patent should nevertheless issue in his name and not to his heirs. The formal rule in *Trip vs. Dunphy* (28 L. D. 14), reversed.

Under provisions of Act of Congress, March 2, 1911, (36 Stat. 1015), patent will not be denied because of any transfer or assignment of interest of the original locator to any qualified person or corporation prior to discovery of oil or gas therein.

Deposits of gravel and sand suitable for concrete construction, but otherwise having no special value, except that derived from proximity to a town, do not render the land in which they are found mineral in character within the meaning of the Mining Laws, or bar entry under the Homestead Laws, notwithstanding the land may be more valuable on account of such deposits than for agricultural purposes.

—Deming Graphic.

A Suprised Engineer

Deming, N. M., July 23. — P. E. Fuller, United States engineer in charge of pumping investigations, came to Deming equipped among other things with a weir, with which to make accurate tests of the wells in this valley. He and perhaps many other persons away from Deming thought likely some of our wells had been greatly overrated, so he proposed to satisfy his department of the true capacity of these wells. The first well that he tackled with his instrument proved too much for him. It was the Van Sickle well, four miles east of Deming. Before the engine got speeded up 1,350 gallons per minute were going through the weir, when a slight increase of speed in the engine shot out a sluice of water that carried the weir off down into the ditch. The party then came back to town and designed a special weir to meet the tremendous capacity of Mimbres valley wells. Mr. Fuller is quoted as saying that the Deming country is the biggest pumping proposition in the United States.

—El Paso Times.

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